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O.P. No.858 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.858 of 2024

1. S. Rasaki W/o. Late Sethuraman
 2. J. Thangam W/o. Jothi
 3. R. Vasuki D/o. Rajabathar
- ... Petitioners

PRAYER: Original Petition is filed under Section 232 and 276 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration with the Will to the petitioner as the foster daughters / legatees / beneficiaries under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Mr. P.G. Kumaraguru

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration with the Will annexed to the



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petition as the foster daughters / legatees / beneficiaries under the Will of the said deceased having effect limited to the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioner to effect paper publication in any one of the issue of Tamil Daily and also in English daily mentioning the hearing date on 16.06.2025 and the paper publication was also effected and thereafter no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioners, PW1 and PW2 were examined and Ex.P.1 to Ex.P.13 were marked and Ex.C.1 was also marked.

3. PW1 is the 1st petitioner. PW2 is the attesting witness of the Testatrix and PW2 has categorically deposed about the execution of the Will and attestation. Therefore, the execution of the Will and attestation are duly proved in accordance with law. There is no any rival claim against the Will. The available evidences amply proved the execution and attestation of the

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Will. Therefore, the petitioners have proved the Will in the manner known to law and they are entitled to the relief as prayed for in the petition.

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4. Therefore, this Original Petition is *allowed* and Letter of Administration in respect of the Will and Testament dated 01.08.2007 executed by Mrs. P. Sakunthala (deceased) W/o. Late S. Periasamy in favour of the petitioners, is granted.

5. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to execute a **security bond** for a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand only)** in favour of the **Assistant Registrar (O.S.II), High Court, Madras**. The petitioners are further directed to render true and correct accounts once in a year.

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Index : Yes/No
Speaking Order : Yes/No
mjs

List of Petitioner side Witnesses:

PW1 : Ms. R. Vasuki
PW2 : Mr. K. Mahadevan

List of Petitioner side Documents:

Ex.P.1. : Affidavit of Assets filed by the petitioners dated 15.06.2024.
Ex.P.2. : Certified copy of Sale Deed executed in favour of S. Periaswamy in Doc. No.3295 of 1956 dated 27.10.1956.
Ex.P.3. : Certified copy of Sale Deed executed in favour of S. Periaswamy in Doc. No.2357 of 1974 with clean copy dated 10.06.1974.
Ex.P.4. : Online copy of the death certificate of M. Rajabathar (date of death 07.03.1991) dated 20.12.2024.

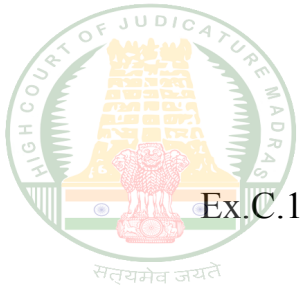


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- Ex.P.5. : Photocopy of the Legal Heriship Certificate of M. Rajabathar, dated 28.05.1991.
- Ex.P.6. : Photocopy of the Death Certificate of S. Periaswamy (date of death 29.10.2001) dated 20.12.2024.
- Ex.P.7. : Photocopy of the Legal Heirship Certificate of S. Periaswamy dated 31.07.2002.
- Ex.P.8. : Online copy of the Death Certificate of Jagadambal (date of death 12.03.2016) dated 21.12.2024.
- Ex.P.9. : Registered Will executed by P. Sakunthala in Doc. No.87 of 2007 dated 01.08.2007.
- Ex.P.10. : Online copy of the Death Certificate of P. Sakunthala (date of Death 06.10.2013) dated 20.12.2024.
- Ex.P.11. : Photocopy of the Aadhar Card of S. Rasaki, 1st petitioner.
- Ex.P.12. : Photocopy of the Aadhar Card of J. Thangam, 2nd petitioner.
- Ex.P.13. : Photocopy of the Aadhar Card of R. Vasuki, 3rd petitioner.

List of Court Documents:



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Ex.C.1

: Paper publication in 'Trinity Mirror' English daily
dated 23.04.2025.

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